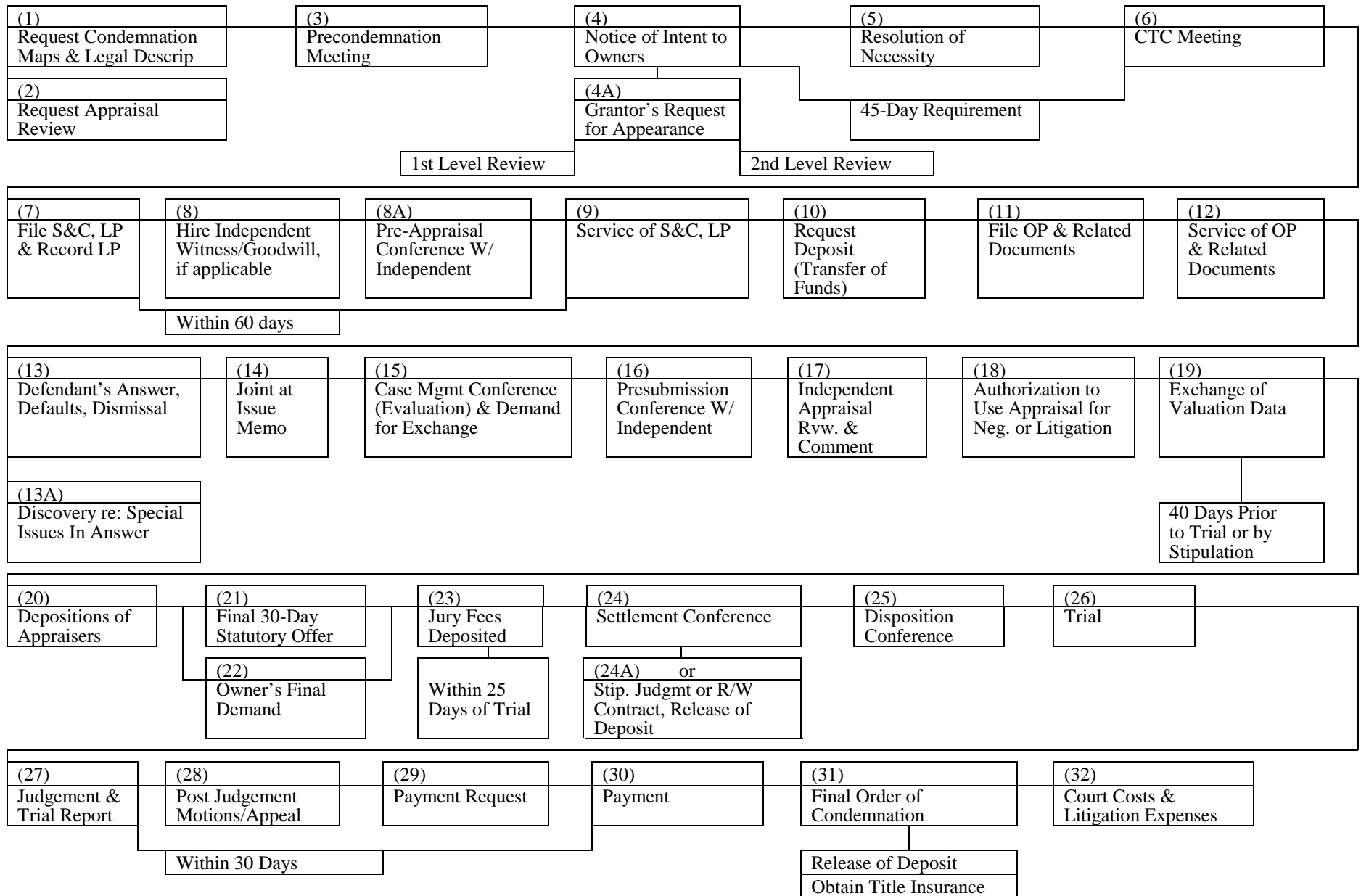


9.16.00.00 CONDEMNATION TIMELINE AND FLOWCHARTS

EMINENT DOMAIN LITIGATION TIMELINE

Month	Action
0	File summons, complaint, and order for possession
1	Contract for Independent Appraiser/Expert Witness
2	Complete service of summons, complaint, and order for possession
3	Answers filed by all defendants
4	
5	File joint at-issue memorandum
6	
7	Trial setting and status or case management conference
8	Presubmission conference - Legal, Right of Way, and Independent Appraiser
9	Review for contract payment of independent appraisal
10	Approval to use independent appraisal for negotiation
11	Exchange of valuation data
12	Statutory final offer and mandatory settlement conference
13	Trial begins

CONDEMNATION FLOWCHART (Part 1)



RIGHT OF WAY/LEGAL CONDEMNATION FLOWCHART (Part 2)

Activity	Responsible Party	Summary of Responsibilities
1	Dist. R/W Office	* Requests documents from R/W Engineering. Also, requests updated title report if dated.
1a	Dist. R/W Engineering	* Prepares maps and legal descriptions.
2	Dist. R/W Office	* Requests Appraisal Branch to confirm market value (Confirmation of Market Value Memo.) Can be requested earlier.
3	Legal	* Advises on Statutory requirements needed, special clauses for legal description, etc. Also advises if Goodwill appraiser should be hired earlier (after Item 3,4,5 or 6) in order to meet deadlines.
4	Dist. R/W Office	* Determines parties receiving notice. Sends within 45 days of CTC meeting date (personal call required within 30 days of mailing.) Checks maps and descriptions.
4a	Dist. R/W Office	* If grantor requests appearance, responsible for initiating the process for first level review and Draft Appearance Information Sheet.
	HQ R/W	* Sets up second level review, if required.
5	Dist. R/W Office	* Submits Resolution of Necessity request to HQ R/W. R/W Agent completes the form based on information from the map (condemnation) meeting, the appraisals, and the parcel diary.
6	CTC	* Adopts Resolution.
	HQ Legal	* Sends certified Resolution to Regional Legal Office.
	HQ R/W	* Sends original plus copies of Resolution to District R/W.
7	Dist. R/W Office	* Compiles the necessary information required for Legal to prepare the Summons and Complaint and lis pendens documents (title report, appraisal, parcel diary, legal description and maps, and the CTC resolution.) Note: Compiling information, transmitting to legal and preparation of suit papers can be done prior to passage of the CTC Resolution.
	Legal	* Prepares the Summons and Complaint, Lis Pendens, and maybe OP documents.
	Dist. R/W Office	* Files Summons and Complaint and Lis Pendens, then records the Lis Pendens.
8	Dist. R/W Office	* Hires independent(s) with Legal's concurrence.
8a	Dist. R/W Office	* Legal and Dist. R/W should hold a pre-appraisal conference with the hired witness to discuss the appraisal problem, legal concepts, etc.

Activity	Responsible Party	Summary of Responsibilities
9	Dist. R/W Office	* Completes services to all named defendants; completes proofs of service and submits to Legal.
	Legal	* Checks proofs for completeness and correctness, and files with the court.
10	Dist. R/W Office	* Submits Request for Transfer of Funds to District Planning and Management.
11	Dist. R/W Office	* Sends Legal the necessary information for preparation of the Order for Possession, Notice of Deposit, and Summary for Basis for Appraisal.
	Legal	* Prepares the OP and related documents
	Dist. R/W Office	* Files the OP and related documents with the Court.
12	Dist. R/W Office	* Completes services to those who have possessory or equitable interests; completes proofs of service and submits to Legal. Note: If property is lawfully occupied, a 90 - day Notice to Vacate must also be served. (See RAP.)
	Legal	* May sometimes serve by mail those who have possessory or equitable interests who were personally served Summons and Complaint and Lis Pendens. Checks all proofs for complete and accurate information.
13	Legal	* Sends copies of Answer to Dist. R/W Office. Requests Default and files Disclaimers, if necessary.
13a	Legal	* Discovery on Special Issues in the "Answer" (such as: goodwill, delay, etc.).
14	Legal	* Informs Court that case is ready for trial calendar.
15	Legal	* Court sets date for Disposition (Evaluation) Conference and Trial. Legal serves and files Demand for Exchange of Valuation Data within 10 days after trial is set.
16	Legal	* Prior to completion of the independent's report, Legal and District R/W shall hold a presubmission conference with the hired witness to review appraisal concepts, date of value, market data, compensable items, etc. Also checks the parcel areas and the proposed project with the independent appraiser.
17	Dist. R/W Office	* District reviews, comments and completes Exhibit 7 - EX - 18; HQ R/W authorizes use if it is a high-value parcel.
	Legal	* Reviews and comments on District's analysis.
18	Dist. R/W Office	* Acquisition Branch requests authorization to use the report for settlement or trial.
19	Legal	* Prepares list of Experts and Statement of Valuation Data and serves and deposits with the court 40 days before trial.

Activity	Responsible Party	Summary of Responsibilities
20	Legal	* Takes depositions of appraisers and other designated experts.
21	Dist. R/W Office	* Determines and approves the Statutory Offer based on all available data and Legal's recommendation.
	Legal	* Serves and files the final offer at least 30 days before trial.
22	Defendant's Attorney	* Owner's attorney files final demand 30 days before trial.
23	Legal or Dist. R/W	* Deposits Jury fees with the Court 25 days before trial.
24	Dist. R/W Office	* If a Settlement Conference is scheduled the Acquisition Agent/Senior attend and are prepared with a settlement proposal.
	Legal	* Represents and advises District.
24a	Legal	* If settlement is reached by Stipulated Judgment, Legal prepares the documents and forwards to Dist. R/W for the payment request to be initiated
	Dist. R/W Office	* If settlement is by R/W Contract, agent prepares documents in same manner as for a regular transaction.
25	Legal	* Parties present the Joint Issues Disposition Conference Report to the Judge.
26	Legal	* Prepares for the trial. In some Districts, R/W Dept. assists.
27	Legal	* Prepares the Judgment and sends draft to R/W so the payment request is initiated. Also prepares trial report for contested settlements and submits to Dist. R/W for approval within ten (10) working days after conclusion of trial..
	Dist. R/W Office	* DDC-R/W approves the trial report. A copy is returned to Legal, one goes to Acquisition.
28	Legal	* Prepares or defends against motion for new trial and/or Appeal.
29	Dist. R/W Office	* Prepares the necessary paperwork to enable payment processing by AccountingService Center.
30	Dist. R/W Office	* Delivers payment to owner's attorney and obtains a receipt or, if applicable, deposits in Court. Note: For Legal Settlements, delivery of payment is to be made only after receipt and approval of Attorney's Legal Settlement Memo.
31	Legal	* Prepares the FOC and release of security deposit responsibilities.
	Dist. R/W Office	* Prepares MOS. For contested settlements, sends copies of the MOS and trial report to HQ R/W * Files and records the FOC with the Court. Obtains Title Insurance.

Activity	Responsible Party	Summary of Responsibilities
32	Legal Dist R/W Office	<ul style="list-style-type: none"> * If necessary, prepares motion to tax litigation costs. Prepares points and authorities and declaration re: reasonableness of offer and demand. * Processes payment request through Accounting Service Center.